

BOISEY OSHI, a.k.a. BOISEY NEAL
Petitioner

v.

STATE OF MARYLAND,
Respondent

IN THE
CIRCUIT COURT OF MARYLAND
FOR ANNE ARUNDEL COUNTY
Case No. 02-K-07-001393

MOTION TO AWARD CREDIT

Petitioner Boisey Oshi, by his attorney, Solena Laigle, submits this request for this Honorable Court to award credit for time served and provides the following in support thereof:

1. Mr. Oshi was arrested in North Carolina on October 18, 2006 and charged in case number 06-CRF-055-629. Def. Ex. A.
2. Mr. Oshi was detained in the Wilson County Detention Center from October 18, 2006 until his transfer to Maryland on June 14, 2007. Def. Ex. B.
3. On January 17, 2007, while Mr. Oshi was incarcerated in North Carolina, a warrant was issued in the above-captioned case.
4. On June 14, 2007, the warrant in the above-captioned case was served and Mr. Oshi was transported from North Carolina to Maryland.
5. The charges in case number 06-CRF-055-629 were dismissed. Def. Ex. C.
6. On February 5, 2008, Mr. Oshi pled guilty to armed robbery and use of a handgun in a crime of violence in the above-captioned case. Tr. Feb. 5, 2008 at 3.
7. On March 28, 2008, the Honorable William Mulford sentenced Mr. Oshi to thirty years in prison, suspend all but fifteen, and five years of supervised probation to begin upon release. Tr. Mar. 28, 2008 at 19.

8. Judge Mulford indicated that the sentence imposed would begin on June 14, 2007. *Id.* No other credit for time served was awarded.¹
9. Criminal Procedure Article § 6-218 governs credit requirements under these circumstances: “If a defendant is in custody because of a charge that results in a dismissal or acquittal, the time that would have been credited if a sentence had been imposed *shall* be credited against any sentence that is based on a charge for which a warrant or commitment was filed during that custody.” Crim. Proc. § 6-218(b)(2) (emphasis added).
10. Mr. Oshi was incarcerated from October 18, 2006 to June 14, 2007, and a warrant in the above-captioned case was filed during that custody.
11. Therefore, because the charges for which Mr. Oshi was arrested in North Carolina resulted in a dismissal, the time that he would have been credited must be credited towards the above-captioned case.
12. Mr. Oshi must be awarded credit for an additional two hundred and thirty-nine (239) days, which is the time he served from October 18, 2006 to June 14, 2007.

RELIEF SOUGHT

WHEREFORE, Petitioner Boisey Oshi asks this Honorable Court to:

1. Award Mr. Oshi credit for an additional two hundred and thirty-nine (239) days of time served; and
2. Amend the commitment record to reflect the awarded credit; and
3. Provide any other relief as law and justice require.

¹ Mr. Oshi was only awarded credit from the sentence start date, June 14, 2007, until the sentencing date, March 28, 2008, totaling two hundred and eighty-eight (288) days.

Respectfully submitted,

/s/ _____
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CERTIFICATE OF SERVICE & RULE 20-201.1 CERTIFICATE

I HEREBY CERTIFY that on June 16, 2022, a copy of the foregoing was sent via electronic mail to the State's Attorney's Office for Anne Arundel County.

I HEREBY CERTIFY that the foregoing does not contain any restricted information pursuant to Rule 20-201.1.

/s/ _____
Solena Laigle (AIS #2012170084)
Assistant Public Defender